

PART I COMMERCIAL ENTRANCES
INSTRUCTIONS FOR SECURING AN ENTRANCE PERMIT

APPLICATION

"Pursuant to 17 Del. C. §146 the State of Delaware Department of Transportation, Division of Highways is charged with the responsibility of controlling all access points to State Maintained Highways. This section reads in pertinent part that:

"(a) The Department is authorized to adopt standards and regulations for the location, design, construction, reconstruction, maintenance, use and control of vehicular and pedestrian access to and from any State Maintained Highway in order to protect public safety, to maintain smooth traffic flow, to maintain highway right-of-way drainage, to regulate drainage from property leading into or carried by the highway drainage system and any other public purpose, as determined by the Department.

"(b) No person, firm, corporation or the like shall construct, open, reconstruct, maintain, modify or use any crossing or entrance onto a State Maintained Highway, street or road, including any drainage modifications leading into or carried by the highway drainage system, without first having complied with Standards and Regulations adopted by the Department and having obtained a permit issued by the Department."

"Accordingly, any property owner or other legal entity, prior to commencing construction of new buildings or facilities or making alterations to existing buildings or facilities that will affect the volume and character of traffic or drainage to and from the property shall apply for and obtain an entrance permit from the Division of Highways. Preliminary site plans of the proposed development

should be submitted for Department review in order to avoid costly revisions due to requirements for highway access and drainage."

SUBMITTING APPLICATION

An application for Highway Entrance Permit is to be submitted with six copies of the entrance drawing to the Permit Supervisor of the District in which the construction will take place for approval as to form. A sample Application Form and Information to be shown on the drawing are found in Section 3 of these regulations.

No work shall be undertaken until a fully executed Permit for Entrance Construction is issued by the Department. The permit must be signed by the property owner. Should the property owner desire someone to sign on his behalf a fully executed Power of Attorney Form must be submitted and attached to the Permit. The locations, addresses, and phone numbers of the District office are as follows:

New Castle County - North of Canal
Division of Highways
North District Permit Supervisor
P.O. Box 8
Bear, Delaware 19701
323-4470

Kent County and South of Canal
Division of Highways
Central District Permit Supervisor
P.O. Box 778
Dover, Delaware 19901
736-4841

Sussex County
Division of Highways
South District Permit Supervisor
P.O. Box 32
Georgetown, Delaware 19947
856-5441

APPROVAL OF APPLICATION

The approval of the application shall be subject to the following conditions:

- (1) The application shall be properly and clearly completed as determined by the Department. Applications found to be unsatisfactory will be returned for correction and resubmission.
- (2) The location, design and construction of driveways and entrances shall meet the general and geometric requirements of the Department. Necessary provisions for drainage, pavement types and thickness, sight distance requirements, and other general construction details shall conform to the requirements of the Department.
- (3) The applicant will make revisions or additions to the design upon receipt of written comments from the Department.
- (4) When access provisions cannot be provided in accordance with these Rules and Regulations due to limitations peculiar to the site or where the applicant refuses to comply with Department requirements the application for access for the intended use may be denied.
- (5) Following the Department approval of the entrance drawing for commercial entrance the applicant will obtain from the District Permit Supervisor a Permit For Entrance Construction form which shall be completed and returned along with a construction estimate of the access appurtenances and a security in the amount of 150% of the estimate. The completion date specified on the Permit by the Applicant shall occur prior to opening for business. The Permit shall be signed by the Property Owner unless an authorized Power of Attorney form has been completed and filed with the Department.
- (6) Upon approval of the cost estimate, completion date, and security for the intended construction the Department will execute the Permit for

Entrance Construction. Following execution by the Department the original copy will be returned to the Permittee which will constitute a notice to proceed with the construction.

- (7) Upon completion of the construction of a Commercial Entrance to the satisfaction of the Department in accordance with the terms of the Permit, the Department will release the 150% construction security and issue an Entrance Permit.
- (8) A sample Entrance Construction Permit and Entrance Permit are shown in Part III. Copies may be obtained from Permit Supervisor.

CONSTRUCTION RESPONSIBILITIES

- (1) The applicant shall furnish all materials and assume all costs of construction deemed necessary by the Permit Supervisor in accordance with the Construction Permit.
- (2) All material and construction required to construct the entrance facility shall be in accordance with the latest Department of Transportation Standards and Specifications.
- (3) For residential driveways the Department will place the drainage pipe furnished by the applicant. For commercial and industrial driveways the applicant will place the pipe to grade as instructed by the Department.
- (4) In the event poles, lights, signs, traffic signals or other appurtenances need to be moved for an approved entrance, the permittee will pay all costs involved in the relocation. The permittee will resolve with the affected utility any required utility relocation, the time of moving and the required reimbursement.

- (5) Should the Department determine that a traffic signal is required for traffic control, a signal agreement shall be required prior to obtaining the permit to construct the entrance.

RESERVATIONS

The Department reserves the right to inspect and approve any construction associated with the proposed entrance. In the event of failure to perform the intended construction in accordance with the terms of the Permit, the Department shall have the right to utilize the 150% construction security to correct the condition. All costs incurred in the removal and/or correction of defective workmanship and/or materials over and above the construction security shall be borne by the permittee. The Department also reserves the right to make such changes, additions, repairs and relocations to the driveway(s) or entrance(s) or its appurtenances as may at any time be considered necessary to permit the relocation, reconstruction, widening, and maintaining of the highway to provide for safe traffic operation on or adjacent to the highway. In the event an entrance is approved constructed and at a later date some additional facility is constructed or the conditions somehow change off the right-of-way in such a manner as to adversely affect the safe or proper use of the entrance, then the Department may require a new permit or deny use of the entrance until such time as the Department is satisfied that the conditions are rectified.

FUTURE DRIVEWAY MAINTENANCE

After the entrance has been constructed to the satisfaction of the Department, the Department will assume the responsibility for future normal maintenance of the driveway within the shoulder area and any necessary cleaning or replacing of drainage pipe within the right-of-way. Entrance appurtenances beyond the right-

of-way are the responsibility of the property owner for maintenance. Should the permittee or heirs or assigns desire to alter or reconstruct any portion of the entrances or appurtenances application for a new permit must be submitted to the Department for approval.

GENERAL

The efficiency and safety of a highway depends to a large extent upon the amount and character of roadside interference with the movement of traffic. Vehicles entering, leaving, or crossing the roadway, or standing nearby, cause most of the roadside interference. Property owners except along controlled or limited access highways have certain rights of access consistent with their needs and road users have certain rights to freedom of movement, safety and efficient expenditure of public highway funds. The regulations and policies herein presented are intended to regulate and control the location, design, and operation of access driveways to reconcile and to satisfy the needs and rights of both. All entrances are to be designed and constructed in accordance with these guidelines.

DEFINITIONS

- (1) ACCELERATION LANE - A speed change lane for vehicles entering the highway.
- (2) AASHTO STANDARDS - Policies and Standards published by American Association of State Highway and Transportation Officials.
- (3) BYPASS LANE - A paved shoulder to permit thru traffic to bypass left-turning vehicle which is stopped on the travel lane.
- (4) CROSSOVER - An opening in a median on a divided highway provided for crossing and turning traffic.

- (5) DECELERATION LANE - A speed change lane for vehicles leaving the highway.
- (6) ENTERING LANES - Traffic lanes used exclusively for vehicles entering a roadside establishment.
- (7) EXITING LANES - Traffic lanes used exclusively for vehicles leaving a roadside establishment.
- (8) FRONTAGE - The length along the highway right-of-way of a single property tract or roadside development.
- (9) MEDIAN - The portion of a divided highway separating the traveled ways for traffic in opposing directions.
- (10) MEDIAN LEFT-TURN LANE - A speed change lane within the median to accommodate left-turning vehicles.
- (11) PERMIT SUPERVISOR - The individual assigned by the Department to issue permits and supervise construction.
- (12) RIGHT TURN LANE - An auxiliary lane for turning vehicles leaving a highway.
- (13) ROADWAY - The portion of a highway, including the traveled-ways and shoulders.
- (14) SHOULDER AREA - The portion of roadway adjacent to the traveled way for accommodating stopped vehicles and providing lateral support to the base and wearing courses.
- (15) TRAFFIC DIVIDER - A median type formation used to separate entering and exiting traffic.
- (16) TRAFFIC GENERATOR - An establishment or facility which draws traffic that did not exist heretofore and which causes that traffic to leave and enter the adjacent roadway. Traffic Generation shall be expressed in terms of Average Daily Traffic (ADT). Each vehicle using the facility is to be counted twice (in and out).

- (17) **TRAFFIC ISLAND** - An island is a defined area between traffic lanes for control of vehicle movements or for pedestrian refuge.